IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
)	
Lawrence E. Lyles, *et al.*)	Confirmation No: 9580
)	
Serial No.: 10/729,403)	Group Art Unit: 2142
)	
Filed: December 5, 2003)	Examiner: Macilwinen, John M.
)	
For: TELECOMMUNICATIONS ASSIGNMENT)	
SYSTEM)	Atty. Docket No.: 190250-1480

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed June 23, 2008, responding to the final Office Action mailed March 21, 2008.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 20-0778.

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I. Real Party in Interest

The real party in interest is AT&T Intellectual Property I, L.P., a partnership organized and existing under the laws of the State of Nevada having a place of business at 645 E. Plumb Lane, Reno, Nevada 89502, where the present application was recently acquired from AT&T Delaware Intellectual Property Inc., formerly known as BellSouth Intellectual Property Corporation, a Corporation of the State of Delaware, having a place of business at 824 Market Street, Suite 425, Wilmington, DE 19801.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1-24 stand finally rejected. No claims have been allowed. The rejections of claims 1-24 are appealed.

IV. Status of Amendments

No amendments have been made subsequent to the final office action mailed March 21, 2008. The claims in the attached Claims Appendix (see below) reflect the present state of Applicants' claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Claim 1 recites a telecommunications telemetry assignment system (FIG. 1A, 100). The telemetry assignment system (FIG. 1A, 100) comprises assignment logic (FIG. 1B, 180) operable to assign a plurality of telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) and ports to a plurality of network elements (FIG. 1A, 130, 135, 140), wherein telemetry of a network element (FIG. 1A, 130, 135, 140) is tracked by a telecommunication telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) that is assigned to the network element (FIG. 1A, 130, 135, 140). Applicants' specification, page 3, lines 9-11, pages 8-9, lines 24-16, page 28, lines 22-24, and page 30, lines 9-23. The system (FIG. 1A, 100) further comprises collection logic (FIG. 1B, 180) operable to receive assignments from the assignment logic (FIG. 1B, 180) and store the assignments in a database (FIG. 1B, 182), Applicants' specification, page 3, lines 11-12 and page 12, lines 21-23, and graphical user interface logic (FIG. 1B, 180) operable to retrieve assignments from the database (FIG. 1B, 182), Applicants' specification, page 11, lines 12-14 and page 12, lines 21-23, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) in a graphical format substantially similar to

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a physical construction of the telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8). Applicants' specification, page 3, lines 12-16, page 7, lines 14-24, and page 28, lines 22-24.

Claim 9 recites a method of assigning telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8). Such a method comprises providing a graphical user interface to a user. Applicants' specification, page 3, lines 18-20, page 7, lines 14-24, and page 11, lines 12-14. The graphical user interface comprises a plurality of telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) and network elements (FIG. 1A, 130, 135, 140) which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8). Applicants' specification, page 3, lines 20-23, page 7, lines 14-24, and page 28, lines 22-24. The graphical user interface is further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, Applicants' specification, pages 3-4, lines 23-1 and page 8, lines 1-4, wherein telemetry of a network element (FIG. 1A, 130, 135, 140) is tracked by a telecommunication telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) that is assigned to the network element (FIG. 1A, 130, 135, 140). Applicants' specification, page 7, lines 14-24, page 16, lines 13-17, page 28, lines 22-24, and page 30, lines 9-23. The method further comprises receiving telecommunications telemetry equipment assignments from the user via the graphical user interface and storing the telecommunications telemetry equipment assignments received from the user in a

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database (FIG. 1B, 182) for later retrieval. Applicants' specification, page 4, lines 1-2 and page 12, lines 21-23.

Claim 17 recites a computer readable medium having a program for assigning telecommunications telemetry equipment. Applicants' specification, pages 12-13, lines 18-1. Such a program is operable to perform providing a graphical user interface to a user, Applicants' specification, page 3, lines 18-20, page 7, lines 14-24, and page 11, lines 12-14, where the graphical user interface comprises a plurality of telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) and network elements (FIG. 1A, 130, 135, 140) which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8). Applicants' specification, page 3, lines 20-23, page 7, lines 14-24, and page 28, lines 22-24. The graphical user interface is further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, Applicants' specification, pages 3-4, lines 23-1 and page 8, lines 1-4, wherein telemetry of a network element (FIG. 1A, 130, 135, 140) is tracked by telecommunications telemetry equipment (FIG. 1A, 130, 135, 140 and Applicants' specification, page 18, lines 1-8) that is assigned to the network element (FIG. 1A, 130, 135, 140). Applicants' specification, page 7, lines 14-24, page 16, lines 13-17, page 28, lines 22-24, and page 30, lines 9-23. The program is further operable to perform receiving telecommunications telemetry equipment assignments from the user via the graphical user interface and storing the telecommunications telemetry equipment

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assignments received from the user in a database (FIG. 1B, 182) for later retrieval. Applicants' specification, page 4, lines 1-2 and page 12, lines 21-23.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *BTAS User Documentation* in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1).

Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wickham* (U.S. Patent No. 6,307,546 B1) in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1).

Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Goodwin* (U.S. Patent No. 6,970,851 B2).

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Zimmer* (U.S. Patent Publication No. 2003/0051226 A1).

Claims 8, 16, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Edwards* (U.S. Patent No. 5,590,360).

Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Kidder* (U.S. Patent No. 6,445,774 B1).

Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Jain*

(U.S. Patent Publication No. 2003/0224339 A1).

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Song*

(U.S. Patent No. 6,742,018 B1).

VII. Arguments

The Appellant respectfully submits that Applicant's claims 1-24 are patentable.

The Appellant respectfully requests that the Board of Patent Appeals overturn the

rejection of those claims at least for the reasons discussed below.

A.   Response to Rejections of Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-
       23 in view of *BTAS User Documentation* and *Reynolds*

Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-23 stand rejected under 35 U.S.C. §

103(a) as allegedly being unpatentable over *BTAS User Documentation* in view of

Reynolds.   Applicants respectfully traverse the rejection for at least the following

reasons.

i. Claims 1-3 and 5-7

As provided in independent claim 1, Applicants claim:

A telecommunications telemetry assignment system, comprising:
assignment logic operable to assign a plurality of telecommunications
telemetry equipment and ports to a plurality of network elements, wherein
telemetry of a network element is tracked by a telecommunication
telemetry equipment that is assigned to the network element;

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collection logic operable to receive assignments from the assignment logic and store the assignments in a database; and

graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.

(Emphasis added).

Claim 1 is patentable over *BTAS User Documentation* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as emphasized above.

For example, *Reynolds* describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BTAS User Documentation* in view of *Reynolds* fails to teach or suggest at least

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"graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1. Therefore, claim 1 is patentable over *BTAS User Documentation* in view of *Reynolds*, and the rejection should be overturned.

Moreover, the final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment." Page 17. As previously explained, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.

Therefore, claim 1 is patentable over *BTAS User Documentation* in view of *Reynolds*, and the rejection should be overturned. Since claims 2-3 and 5-7 depend from claim 1 and recite additional features, claims 2-3 and 5-7 are allowable as a matter of law over the cited art.

ii. <u>Claims 9, 11, and 13-15</u>

As provided in independent claim 9, Applicants claim:

A method of assigning telecommunications telemetry equipment, comprising:

providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and

storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 9 is patentable over *BTAS User Documentation* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

The final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user

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interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. Page 17. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BTAS User Documentation* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

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Therefore, claim 9 is patentable over *BTAS User Documentation* in view of *Reynolds*, and the rejection should be overturned. Since claims 11 and 13-15 depend from claim 9 and recite additional features, claims 11 and 13-15 are allowable as a matter of law over the cited art.

iii. Claims 17, 19, and 21-23

As provided in independent claim 17, Applicants claim:

> A computer readable medium having a program for assigning telecommunications telemetry equipment, the program operable to perform:
> *providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;*
> receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and
> storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 17 is patentable over *BTAS User Documentation* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further

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operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

The final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. Page 17. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BTAS User Documentation* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry

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equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Therefore, claim 17 is patentable over *BTAS User Documentation* in view of *Reynolds*, and the rejection should be withdrawn. Since claims 19 and 21-23 depend from claim 17 and recite additional features, claims 19 and 21-23 are allowable as a matter of law over the cited art.

B. Response to Rejections of Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21 in view of *Wickham* and *Reynolds*

Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wickham* in view of *Reynolds*.

i. Claims 1-3 and 6-7

As provided in independent claim 1, Applicants claim:

> A telecommunications telemetry assignment system, comprising:
> assignment logic operable to assign a plurality of telecommunications telemetry equipment and ports to a plurality of network elements, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;
> collection logic operable to receive assignments from the assignment logic and store the assignments in a database; and
> **graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a**

graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.

(Emphasis added).

Claim 1 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can be plugged into a terminal 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan™ terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

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Moreover, the final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. Page 17. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (e.g., web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

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Therefore, claim 1 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be overturned. Since claims 2-3 and 6-7 depend from claim 1 and recite additional features, claims 2-3 and 6-7 are allowable as a matter of law over the cited art.

ii. Claims 9, 11, and 13-15

As provided in independent claim 9, Applicants claim:

> A method of assigning telecommunications telemetry equipment, comprising:
> ***providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;***
> receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and
> storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 9 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications,

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wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can <u>be plugged into a terminal</u> 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan™ terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

The final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry

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equipment. Page 17. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

Therefore, claim 9 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be overturned. Since claims 11 and 13-15 depend from claim 9 and recite additional features, claims 11 and 13-15 are allowable as a matter of law over the cited art.

iii. Claims 17, 19, and 21

As provided in independent claim 17, Applicants claim:

> A computer readable medium having a program for assigning telecommunications telemetry equipment, the program operable to perform:
> *providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;*
> receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and
> storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 17 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can be plugged into a

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terminal 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan™ terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Moreover, the final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. Page 17. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface

(*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Therefore, claim 17 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be overturned. Since claims 19 and 21 depend from claim 17 and recite additional features, claims 19 and 21 are allowable as a matter of law over the cited art.

C. Response to Rejection of Claims 4, 12, and 20 in view of *Wickham,* *Reynolds,* and *Goodwin*

Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Goodwin*.

For at least the reasons given above, independent claims 1, 9, and 17 are allowable over *Wickham* in view of *Reynolds*. The cited art of *Goodwin* fails to cure the deficiencies of *Wickham* and *Reynolds* with respect to independent claims 1, 9, and 17. Since claims 4, 12, and 20 depend from claims 1, 9, and 17 and recite additional features, claims 4, 12, and 20 are allowable as a matter of law over the cited art.

D. Response to Rejection of Claims 10 and 18 in view of *Wickham,* *Reynolds,* and *Zimmer*

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Zimmer*.

For at least the reasons given above, independent claims 9 and 17 are allowable over *Wickham* in view of *Reynolds*. The cited art of *Zimmer* fails to cure the deficiencies of *Wickham* and *Reynolds* with respect to independent claims 9 and 17. Since claims 10 and 18 depend from claims 9 and 17 and recite additional features, claims 10 and 18 are allowable as a matter of law over the cited art.

E.   Response to Rejection of Claims 8, 16, and 24 in view of *Wickham*, *Reynolds*, and *Edwards*

Claims 8, 16, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Edwards*.

For at least the reasons given above, independent claims 1, 9, and 17 are allowable over *Wickham* in view of *Reynolds*. The cited art of *Edwards* fails to cure the deficiencies of *Wickham* and *Reynolds* with respect to independent claims 1, 9, and 17. Since claims 8, 16, and 24 depend from claims 1, 9, and 17 and recite additional features, claims 8, 16, and 24 are allowable as a matter of law over the cited art.

F.   Response to Rejection of Claims 22-23 in view of *Wickham*, *Reynolds*, and *Kidder*

Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Kidder*.

For at least the reasons given above, independent claim 17 is allowable over *Wickham* in view of *Reynolds*. The cited art of *Kidder* fails to cure the deficiencies of *Wickham* and *Reynolds* with respect to independent claim 17. Since claims 22-23 depend from claim 17 and recite additional features, claims 22-23 are allowable as a matter of law over the cited art.

G.   Response to Rejection of Claims 4, 12, and 20 in view of *BTAS User Documentation, Reynolds, and Jain*

Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Jain*.

For at least the reasons given above, independent claims 1, 9, and 17 are allowable over *Wickham* in view of *Reynolds*. The cited art of *Jain* fails to cure the deficiencies of *Wickham* and *Reynolds* with respect to independent claims 1, 9, and 17. Since claims 4, 12, and 20 depend from claims 1, 9, and 17 and recite additional features, claims 4, 12, and 20 are allowable as a matter of law over the cited art.

H.   Response to Rejection of Claims 10 and 18 in view of *BTAS User Documentation, Reynolds, and Song*

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Song*.

For at least the reasons given above, independent claims 9, and 17 are allowable over *BTAS User Documentation* in view of *Reynolds*. The cited art of *Song* fails to cure the deficiencies of *BTAS User Documentation* and *Reynolds* with respect to independent claims 9 and 17. Since claims 10 and 18 depend from claims 10 and 18 and recite additional features, claims 10 and 18 are allowable as a matter of law over the cited art.

VIII. Conclusion

In summary, it is Applicants' position that Applicants' claims are patentable over the applied cited art references and that the rejection of these claims should be overturned. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicants' pending claims.

Respectfully submitted,

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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1.   A telecommunications telemetry assignment system, comprising:

assignment logic operable to assign a plurality of telecommunications telemetry equipment and ports to a plurality of network elements, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

collection logic operable to receive assignments from the assignment logic and store the assignments in a database; and

graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.

2.   The system of claim 1, wherein the graphical user interface logic is further operable to display the plurality of network elements in a graphical format substantially similar to a physical construction of the network element.

3.   The system of claim 1, wherein the graphical user interface logic is operable to provide the graphical format to a remote client on a computer associated with the user over a network.

4.   The system of claim 3, wherein the remote client is a web browser operable to view any of a plurality of web formats.

5.   The system of claim 3, wherein the remote client is a telecommunications telemetry assignment system application.

6.   The system of claim 1, wherein the assignment logic is operable to remove assignments, add assignments, graphically represent removal of cards, and graphically represent addition of cards on the telecommunications telemetry equipment.

7.   The system of claim 6, wherein the assignment logic is operable to track cards installed into telecommunications telemetry equipment.

8.   The system of claim 1, wherein the database is a centralized database which is further operable to store telecommunication telemetry equipment graphical format configurations and network element graphical format configurations.

9. A method of assigning telecommunications telemetry equipment, comprising:

providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and

storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

10. The method of claim 9, wherein the format for the telecommunications telemetry equipment and network elements display are stored in the database with the telecommunications telemetry equipment assignments.

11. The method of claim 9, further comprising:

providing the graphical user interface to the user over a network to a remote client associated with the user.

12.   The method of claim 11, further comprising using a web browser as the remote client, the web browser being operable to view any of a plurality of web formats.

13.   The method of claim 11, further comprising using a telecommunications telemetry assignment application as the remote client.

14.   The method of claim 9, wherein the graphical user interface is operable to allow the user to graphically represent removal of cards, graphically represent addition of cards, remove assignments, and add assignments on the telecommunications telemetry equipment.

15.   The method of claim 14, wherein graphical user interface is further operable to allow the user to graphically represent a change of plug-in cards installed into the telecommunications telemetry equipment.

16.   The method of claim 9, wherein the database is a centralized database which is operable to provide assignment information and display information to the user.

17. A computer readable medium having a program for assigning telecommunications telemetry equipment, the program operable to perform:

providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and

storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

18. The program of claim 17, wherein the format for the telecommunications telemetry equipment and network elements display are stored in the database with the telecommunications telemetry equipment assignments.

19. The program of claim 17, further comprising: providing the graphical user interface to the user over a network to a remote client associated with the user.

20.   The program of claim 19, further comprising using a web browser as the remote client, the web browser being operable to view any of a plurality of web formats.

21.   The program of claim 19, further comprising using a telecommunications telemetry assignment application as the remote client.

22.   The program of claim 17, wherein the graphical user interface is operable to allow the user to remove ports, remove assignments, and create alarms on the telecommunications telemetry equipment.

23.   The program of claim 22, wherein graphical user interface is further operable to allow the user to graphically represent a change of plug-in cards installed into the telecommunications telemetry equipment.

24.   The program of claim 17, wherein the database is a centralized database which is operable to provide assignment information and display information to the user.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.